

**THE MUNICIPAL BOARD OF MANITOBA**  
1144-363 Broadway • Winnipeg, Manitoba • R3C 3N9

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February 19, 2010

Honourable Ron Lemieux  
Minister of Local Government  
Room 301 - Legislative Building  
Winnipeg, MB R3C 0V8

Dear Minister:

In accordance with Section 106 of *The Municipal Board Act*, I am pleased to submit the Annual Report of The Municipal Board for the year ending December 31, 2009.

Yours Respectfully,

Peter G. Diamant  
Chair

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## REMARKS FROM THE CHAIR

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The Municipal Board is established under *The Municipal Board Act* and, under Section 106(1), is required to report annually to the Minister of Local Government on the activities of the Board for the previous year.

The full complement of the Board, as of December 31, 2009, is 32 Members, which includes the Chair, Vice Chair and four Acting Chairs. The Board holds meetings of the Acting Chairs to keep Acting Chairs and Members informed of the complex issues facing the Board. The Board continues its commitment to education and training for Board Members. Each of the past five years, the Manitoba Council of Administrative Tribunals (MCAT) has held an annual conference and the conference is well attended by Board Members.

A summary of the applications made to the Board over the past year is set out on page 9 of this Report. As of January 1, 2009, there were 669 outstanding applications, appeals and referrals, of which 632 were Winnipeg Assessment Appeals. During the year, 706 new matters were received and 394 matters were dealt with leaving 981 outstanding applications, appeals and referrals as of December 31, 2009.

The Board has duties and responsibilities assigned to it under a number of Acts of the Legislature. The majority of the Board's activities, however, are directed towards Assessment Appeals under *The Municipal Assessment Act*. Of the 1,375 applications, appeals and referrals before the Board during 2009, 1,204, or 87.6%, were appeals respecting the assessment and classification of property. Of those appeals, 1,025 were for properties in The City of Winnipeg.

Over the past year, there has been a decrease in the number of assessment appeal hearings as the parties, with the support of the Board, are settling many of the appeals without a hearing. In most cases, the appeals that do go to a hearing are for high-value properties, the parties are represented by Legal Counsel, the hearings are multi-day, and the issues before the Board are complex.

The Board is faced with a number of challenges in 2010. The Province and The City of Winnipeg have completed a general reassessment and, over the past six months, the Boards of Revision of municipalities across the Province have been hearing assessment appeals. The number of outstanding assessment appeals at The Municipal Board reflects this Province wide activity, and this number is consistent with the first year of previous assessment cycles. There remains, however, a number of outstanding Winnipeg Assessment Appeals from the last assessment cycle that

need to be dealt with in a timely manner. The City Assessor has been unable to meet the schedule proposed by the Board for dealing with the outstanding appeals. Recent legislative changes have shortened the assessment cycle from four years to two years and the Board is planning to schedule more hearings to ensure that the assessment appeals are dealt with quickly and efficiently. While the Board is concerned that the City will have difficulty meeting the demands of the shortened assessment cycle, the Board is hopeful that, working with the City Assessor, the transition to a two year cycle will proceed smoothly.

The number of hearings and referrals relating to *The Planning Act* and *The Municipal Act* has increased slightly over the past year. The Board did not hold any inquiries of its own motion in 2009, nor did it issue any licenses, permits or certificates. The fees collected by the Board are summarized on page 37. The Board continues to expand and improve its Website, [www.gov.mb.ca/municipalboard](http://www.gov.mb.ca/municipalboard), to assist applicants in preparing and presenting their appeals.

In 2009, the Board revised and put in place new Municipal Board Assessment Appeal Rules and Procedures. In the past year there has been an increase in the number of municipal borrowing hearings, and these hearings, relating to sewer and water projects, are often contentious. The Board has reviewed its policies on Municipal Borrowing By-laws and has completed a draft revised policy for consideration in the coming year.

In conclusion, I wish to express my thanks and appreciation to the Members of the Board for their co-operation and support. As Chair, I must acknowledge the significant role of the Administration and Staff in ensuring that the Board functions smoothly and efficiently. The Staff's hard work plays an important part in the Board meeting the challenges it faces. I thank them for their contribution to the success of The Municipal Board in carrying out its mandate.

Peter G. Diamant  
Chair

## REMARQUES DU PRÉSIDENT

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La Commission municipale est établie en vertu de la *Loi sur la Commission municipale* et, conformément au paragraphe 106(1) de cette loi, elle doit faire rapport tous les ans au ministre des Administrations locales sur ses activités de l'année écoulée.

Au 31 décembre 2009, la Commission municipale comptait 32 membres, notamment le président, le vice-président et quatre présidents suppléants. La Commission organise des réunions des présidents suppléants afin de les tenir au courant, ainsi que les autres membres de la Commission, des questions complexes dont elle doit s'occuper. La Commission poursuit son investissement dans l'éducation et la formation de ses membres. Au cours de chacune des cinq dernières années, le Manitoba Council of Administrative Tribunals a organisé une conférence annuelle à laquelle les membres de la Commission ont participé en bon nombre.

On trouvera, à la page 9 du présent rapport, un sommaire des demandes présentées à la Commission au cours de l'année passée. Au 1<sup>er</sup> janvier 2009, 669 demandes, appels et renvois étaient en instance devant la Commission, dont 632 appels interjetés contre l'évaluation fixée par la Ville de Winnipeg. Durant l'année, la Commission a été saisie de 706 nouvelles affaires et a traité 394 demandes, ce qui a laissé en tout, au 31 décembre 2009, 981 demandes, appels et renvois en instance.

Des fonctions et des responsabilités sont conférées à la Commission par un certain nombre de lois adoptées par l'Assemblée législative. La majorité des activités de la Commission sont toutefois axées sur les appels liés à l'évaluation de biens, déposés en vertu de la *Loi sur l'évaluation municipale*. Des 1 375 demandes, appels et renvois devant la Commission durant 2009, 1 204, soit 87,6%, étaient des appels liés à l'évaluation et à la classification de biens. De ces appels, 1 025 visaient des biens dans la Ville de Winnipeg.

Au cours de l'année passée, il y a eu une diminution du nombre d'audiences pour des appels liés à l'évaluation, car les parties ont réglé bien des appels avec l'appui de la Commission, sans avoir recours à une audience. Dans la plupart des cas, les appels qui nécessitent une audience touchent des biens à valeur élevée, les parties sont représentées par des avocats, les audiences durent plusieurs jours et les questions soumises à la Commission sont complexes.

La Commission doit relever un certain nombre de défis en 2010. La Province et la Ville de Winnipeg ont procédé à une réévaluation générale et, au cours des six derniers mois, les comités de révision de municipalités un peu partout dans la province ont entendu des appels liés à l'évaluation de biens. Le nombre des appels

liés à l'évaluation de bien en instance devant la Commission municipale reflète cette activité à l'échelle provinciale. Ce nombre est conforme à ceux observés lors de la première année des cycles d'évaluation antérieurs. Cependant, il reste encore à traiter, dans les meilleurs délais, plusieurs appels interjetés contre l'évaluation fixée par la Ville de Winnipeg qui sont toujours en instance depuis le dernier cycle d'évaluation. L'évaluateur de la Ville n'a pas été en mesure de respecter l'échéancier proposé par la Commission pour traiter les appels en instance. De récentes modifications législatives ont raccourci le cycle d'évaluation, le faisant passer de quatre à deux ans, et la Commission prévoit programmer un plus grand nombre d'audiences pour que l'on traite les appels liés à l'évaluation rapidement et efficacement. Bien qu'elle craigne que la Ville ait du mal à répondre aux demandes résultant du raccourcissement du cycle d'évaluation, la Commission a bon espoir que la collaboration avec l'évaluateur de la Ville permettra un passage harmonieux au cycle de deux ans.

Le nombre d'audiences et de renvois liés à la *Loi sur l'aménagement du territoire* et à la *Loi sur les municipalités* a légèrement augmenté l'année passée. En 2009, la Commission n'a pas mené d'enquêtes de son propre chef et n'a pas non plus délivré de licences, de permis ou de certificats. On trouvera à la page 37 du présent rapport le sommaire des droits perçus par la Commission. Le site Web de la Commission, à l'adresse [www.gov.mb.ca/municipalboard](http://www.gov.mb.ca/municipalboard) (en anglais seulement), continu d'être élargi et amélioré afin d'aider les requérants à préparer et à présenter leurs appels.

En 2009, la Commission a révisé et mis en place les nouvelles Règles de procédure de la Commission municipale - appels en matière d'évaluation. L'année dernière, on a constaté une augmentation du nombre d'audiences liées à des emprunts municipaux. Ces audiences, qui concernent des projets d'approvisionnement en eau et de traitement des eaux usées, sont souvent litigieuses. La Commission a revu ses politiques concernant les arrêtés municipaux relatifs à des emprunts et elle a terminé une ébauche qu'elle étudiera au cours de l'année à venir.

En terminant, j'aimerais exprimer ma gratitude à tous les membres de la Commission pour leur collaboration et leur appui. En tant que président, je me dois de saluer le rôle important joué par la direction et le personnel afin d'assurer le fonctionnement harmonieux et efficace de la Commission. C'est en grande partie grâce à leurs efforts soutenus que la Commission peut relever les défis qui se présentent à elle. Je les remercie de leur contribution qui permet à la Commission d'exécuter son mandat avec succès.

Le président,

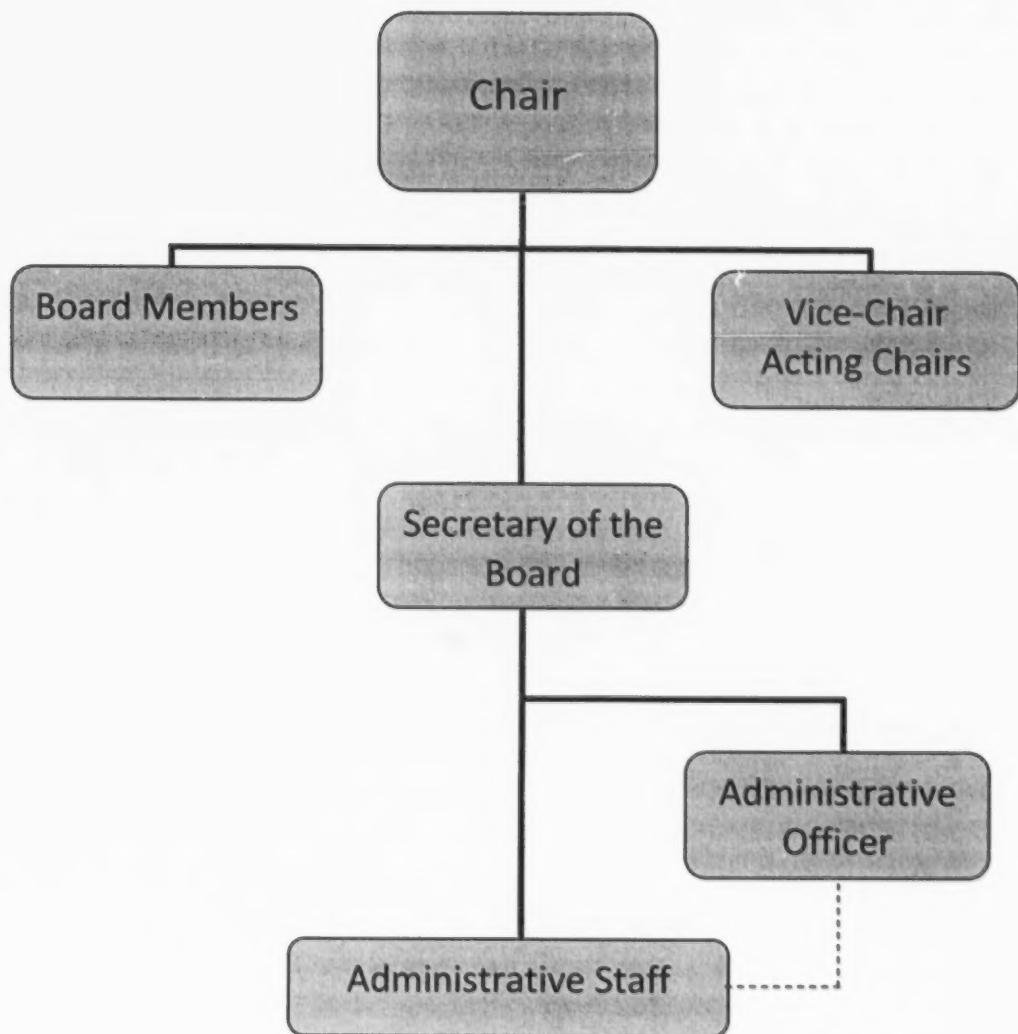
Peter G. Diamant



## THE MUNICIPAL BOARD - ORGANIZATION CHART

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2009



## **THE MUNICIPAL BOARD OF MANITOBA**

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### **ROLE**

Section 15(2) of The Municipal Board Act states:

"The board shall sit at such times and places within the province as the chairman may designate; and it shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of business".

### **MISSION STATEMENT**

To deal with matters that come before the Board in a fair, impartial and timely manner.

### **GOALS**

- To process appeals, applications and referrals as expeditiously as possible.
- To conduct hearings in accordance with legislative procedures and natural justice for all parties involved.
- To render readable, reliable and quality decisions in a timely manner.
- To communicate with the general public on the role of the Board and the appeal process.
- To review and update Board policies and procedures to ensure service is provided in a timely manner and in accordance with the applicable legislation.
- To review and update administrative procedures.



## THE MUNICIPAL BOARD OF MANITOBA

Peter G. Diamant, Chair

### MEMBERS (2009)

Bill Barlow, Gimli  
John Blewett, Winnipeg  
Grant Buchanan, The Pas  
Douglas Dobchuk, Winnipeg  
Kathryn Durkin-Chudd, Gimli  
Thomas Frohlinger, Winnipeg  
Neil Harden, Winnipeg  
Ed Hart, Minitonas  
William Hincer, Winnipeg  
Douglas Houghton, Beausejour  
Jim Husiak, Winnipeg  
Cyril Keeper, Winnipeg  
Don Kille, Brandon  
Leonard Kimacovich, Winnipeg  
Nora Losey, Winnipeg  
Budd Mager, Lac du Bonnet

Ross Martin, Winnipeg  
Michael Mercury, Winnipeg  
Monique Mulaire, Winnipeg  
Jim Neil, Winnipeg  
Russell Newton, Neepawa  
Jack Nicol, Dugald  
Charlotte Onski, Winnipeg  
Arthur Proulx, Winnipeg  
Garth Rice, Brandon  
John Rudyk, Fisher Branch  
Meir Serfaty, Winnipeg  
Wendy Sigmar, Winnipeg (deceased)  
Michelle Smith, Winnipeg  
Sudesh K. Treon, Winnipeg  
Marilyn Walder, Winnipeg

David Gisser, Vice Chair

Rose Gibbons, Secretary of the Board

### Employees

Administrative Officer  
Administrative Secretary  
Administrative Secretary  
Administrative Secretary  
Administrative Secretary

Administrative Secretary  
Administrative Secretary

Brenda Loewen  
Pat Markotjohn  
Adrienne Newbury  
Elaine Pociuk  
Helen Kilborne (casual)

Kazia Paradis (resigned)  
Leona Van Osch (resigned)

# **Summary of Case Management Files (2008 & 2009)**

## **FILE COUNT AS AT JANUARY 1<sup>ST</sup>**

	2008	2009
Number of Files	0	0
New files	0	0
Total	0	0

## **NUMBER OF FILES DISPOSED**

	2008	2009
Resolved	0	0
Withdrawn	0	0
Proceed to Hearing	0	0
Number of Files Scheduled for hearing	0	0
Number of Files Scheduled for hearing, and:		
Resolved prior to Hearing	0	0
Withdrawn prior to Hearing	0	0

## **TOTAL NUMBER OF FILES DISPOSED OF AT DECEMBER 31<sup>ST</sup>**

0      0

## **NUMBER OF OUTSTANDING FILES TO BE SCHEDULED AT DECEMBER 31<sup>ST</sup>**

0      0

## Summary of Applications, Appeals, and Referrals (2008 & 2009)

### Consolidated Summary of Activity

*A summary of all Applications, Appeals, and Referrals set forth on pages 11 to 28.*

<b>APPLICATIONS, APPEALS AND REFERRALS RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications, Appeals and Referrals Outstanding as at January 1 <sup>st</sup>	950	669
New Applications, Appeals and Referrals Received	253	706
<b>Total</b>	<b>1203</b>	<b>1375</b>

<b>APPLICATIONS, APPEALS AND REFERRALS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved and Appeals Allowed/Granted	341	238
Applications Rejected and Appeals Dismissed/Rejected	32	19
Reports and Recommendations Submitted	2	3
Applications, Appeals and Referrals Withdrawn and/or Closed by Minute	159	134
<b>Total</b>	<b>534</b>	<b>394</b>

<b>APPLICATIONS, APPEALS AND REFERRALS OUTSTANDING AS AT DECEMBER 31<sup>st</sup></b>	<b>669</b>	<b>981</b>
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## **Miscellaneous Acts**

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The Municipal Board has responsibilities under other Statutes, but under which it has had no applications or active files in 2009.

The Acts are as follows:

- City of Winnipeg Charter, S.M. 2002, c.39
- The Conservation Districts Act, R.S.M. 1987, c. C175
- The Expropriation Act, R.S.M. 1987, c.E190
- The Health Services Insurance Act, R.S.M. c.H35
- The Heritage Resources Act, S.M. 1985-86, c.10 - Cap. H39.1
- The Highway Traffic Act, S.M. 1985-86, c.3 - Cap. H60
- The Public Schools Act, R.S.M. 1987, c.P250
- The Regional Waste Management Authorities Act, S.M. 1993, c.11 – Cap. R38
- The Special Surveys Act, R.S.M. 1987, c.190
- The Water Resources Administration Act, R.S.M. 1987, c.W70
- The Real Property Act, R.S.M. 1988, c.130

# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Municipal Act, S.M. 1996, c. 58 - Cap. M225**

*Applications to amalgamate two or more municipalities or for the annexation by a municipality of land from another municipality: Section 34*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	2	2
Applications Received	1	3
<b>Total</b>	<b>3</b>	<b>5</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Reports and Recommendations Submitted to the Minister of Local Government	1	0
Applications Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>1</b>	<b>0</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>2</b>	<b>5</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Municipal Act, S.M. 1996, c. 58 - Cap. M225**

*Applications for approval of By-law respecting Municipalities to make a loan.  
Section 180(1)*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	0	0
Applications Received	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved	0	0
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>0</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Municipal Act, S.M. 1996, c. 58 - Cap. M225**

*Applications for approval of borrowing: Section 172 et seq.*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	1	0
Applications Received	41	36
<b>Total</b>	<b>42</b>	<b>36</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved	42	33
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	3
<b>Total</b>	<b>42</b>	<b>36</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>0</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Municipal Act, S.M. 1996, c. 58 - Cap. M225**

*Applications for approval of By-laws respecting local improvements: Sections 311 & 320*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	9	4
Applications Received	55	61
<b>Total</b>	<b>64</b>	<b>65</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved	58	57
Applications Rejected	1	1
Applications Withdrawn and/or Closed by Minute	1	3
<b>Total</b>	<b>60</b>	<b>61</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>4</b>	<b>4</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Municipal Act, S.M. 1996, c. 58 - Cap. M225**

*Applications for approval of By-laws respecting Special Services: Sections 312 & 320*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	0	0
Applications Received	27	22
<b>Total</b>	<b>27</b>	<b>22</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved	27	17
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	1
<b>Total</b>	<b>27</b>	<b>18</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>4</b>
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## Summary of Applications, Appeals, and Referrals (2008 & 2009)

### The Municipal Act, S.M. 1996, c. 58 - Cap. M225

*Application to review a By-law that divides a Municipality into Wards and establishes ward boundaries or a By-law that eliminates wards or changes the number of wards or ward boundaries. Section 89(1)*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	0	0
Applications Received	0	2
<b>Total</b>	<b>0</b>	<b>2</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Allowed	0	0
Applications Dismissed	0	0
Applications Referred back to Council for further consideration	0	0
Applications Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>2</b>
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## Summary of Applications, Appeals, and Referrals (2008 & 2009)

### The Municipal Assessment Act, S.M. 1989-90, c. 24 - Cap. M226

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*Appeals respecting the assessment and classification of property in The City of Winnipeg: Section 56(2)*

<b>APPEALS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Appeals Outstanding as at January 1 <sup>st</sup>	895	632
*Appeals Received	83	393
<b>Total</b>	<b>978</b>	<b>1,025</b>

<b>APPEALS DISPOSED</b>	<b>2008</b>	<b>2009</b>
**Appeals Allowed	186	109
Appeals Dismissed	16	11
Appeals Withdrawn and/or Closed by Minute	144	115
<b>Total</b>	<b>346</b>	<b>235</b>

<b>APPEALS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>632</b>	<b>790</b>
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\* Includes appeals by the Assessor for The City of Winnipeg as well as by ratepayers.

\*\* Includes all appeals where the assessment has been increased or decreased, or the classification changed.

## Summary of Applications, Appeals, and Referrals (2008 & 2009)

### The Municipal Assessment Act, S.M. 1989-90, c. 24 - Cap. M226

*Appeals respecting the assessment and classification of property outside The City of Winnipeg: Section 56(2)*

<b>APPEALS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Appeals Outstanding as at January 1 <sup>st</sup>	23	15
*Appeals Received	9	164
<b>Total</b>	<b>32</b>	<b>179</b>

<b>APPEALS DISPOSED</b>	<b>2008</b>	<b>2009</b>
**Appeals Allowed	13	7
Appeals Dismissed	3	3
Appeals Withdrawn and/or Closed by Minute	1	3
<b>Total</b>	<b>17</b>	<b>13</b>

<b>APPEALS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>15</b>	<b>166</b>
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\* Includes appeals by the Provincial Municipal Assessor as well as by ratepayers.

\*\* Includes all appeals where the assessment has been increased or decreased, or the classification changed.

# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Municipal Board Act, R.S.M. 1987, c.M240**

*Applications to review, rescind, change, alter or vary a decision or order made by the Board: Section 46(3)*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	2	1
Applications Received	3	0
<b>Total</b>	<b>5</b>	<b>1</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Order Revised	2	0
Applications Rejected	2	1
Applications Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>4</b>	<b>1</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>st</sup></b>	<b>1</b>	<b>0</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Municipal Board Act, R.S.M. 1987, c.M240**

*Applications to vary, cancel, or substitute a Building Restriction Caveat:  
Section 104(1) et seq.*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	0	0
Applications Received	1	3
<b>Total</b>	<b>1</b>	<b>3</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Granted	1	1
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>1</b>	<b>1</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>2</b>
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## Summary of Applications, Appeals, and Referrals (2008 & 2009)

### The Municipal Board Act, R.S.M. 1987, c.M240

*Complaint that a Local Authority, Corporation or any person has unlawfully done or unlawfully failed to do, or is about to unlawfully do or not to do something relating to a matter over which The Municipal Board has jurisdiction: Section 34*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	1	0
Applications Received	0	0
<b>Total</b>	<b>1</b>	<b>0</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Granted	0	0
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	1	0
<b>Total</b>	<b>1</b>	<b>0</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>0</b>
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## Summary of Applications, Appeals, and Referrals (2008 & 2009)

### The Planning Act, R.S.M. 1987, c.P80

*Objections to a By-law to adopt and/or amend a Development Plan or Basic Planning Statement filed with the Minister and referred to the Board: Section 30(4) et seq.*

<b>REFERRALS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Referrals Outstanding as at January 1 <sup>st</sup>	1	1
Referrals Received	1	4
<b>Total</b>	<b>2</b>	<b>5</b>

<b>REFERRALS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Reports and Recommendations Submitted to the Minister of Local Government	1	3
Referrals Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>1</b>	<b>3</b>

<b>REFERRALS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>1</b>	<b>2</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Planning Act, R.S.M. 1987, c.P80**

*Applications for approval of Zoning By-laws: Section 43(1) et seq.*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	0	2
Applications Received	5	7
<b>Total</b>	<b>5</b>	<b>9</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved	3	6
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	2
<b>Total</b>	<b>3</b>	<b>8</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>st</sup></b>	<b>2</b>	<b>1</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Planning Act, R.S.M. 1987, c.P80**

*Appeals from decisions of the Approving Authority (subdivision of land):  
Section 68(1) et seq.*

<b>APPEALS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Appeals Outstanding as at January 1 <sup>st</sup>	6	9
Appeals Received	23	7
<b>Total</b>	<b>29</b>	<b>16</b>

<b>APPEALS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Appeals Allowed	4	5
Appeals Dismissed	8	2
Appeals Withdrawn and/or Closed by Minute	8	6
<b>Total</b>	<b>20</b>	<b>13</b>

<b>APPEALS OUTSTANDING AS AT DECEMBER 31<sup>st</sup></b>	<b>9</b>	<b>3</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Water Rights Act, R.S.M. 1988, c.W280**

*Appeals against an order or decision of the Minister under this Act: Section 24*

<b>APPEALS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Appeals Outstanding as at January 1 <sup>st</sup>	10	3
Appeals Received	1	3
<b>Total</b>	<b>11</b>	<b>6</b>

<b>APPEALS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Appeals Allowed	2	2
Appeals Dismissed	2	1
Appeals Withdrawn and/or Closed by Minute	4	1
<b>Total</b>	<b>8</b>	<b>4</b>

<b>APPEALS OUTSTANDING AS AT DECEMBER 31<sup>st</sup></b>	<b>3</b>	<b>2</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Public Libraries Act, R.S.M. 1987, c.P220**

*Applications for the authorization of municipal By-laws establishing Regional Public Libraries: Section 22(2)*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	0	0
Applications Received	2	1
<b>Total</b>	<b>2</b>	<b>1</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved	2	1
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>2</b>	<b>1</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>0</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Public Libraries Act, R.S.M. 1987, c.P220**

*Applications for the authorization of municipal By-laws establishing Municipal Public Libraries: Section 9(3)*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	0	0
Applications Received	1	0
<b>Total</b>	<b>1</b>	<b>0</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved	1	0
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>1</b>	<b>0</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>0</b>
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# **Summary of Applications, Appeals, and Referrals (2008 & 2009)**

## **The Real Property Act, R.S.M. 1988, c.R30**

*Application to dispose with signature of non-consenting owner/caveator in regard to plan of subdivision: Section 117(g)*

<b>APPLICATIONS OUTSTANDING AND RECEIVED</b>	<b>2008</b>	<b>2009</b>
Applications Outstanding as at January 1 <sup>st</sup>	0	0
Applications Received	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

<b>APPLICATIONS DISPOSED</b>	<b>2008</b>	<b>2009</b>
Applications Approved	0	0
Applications Rejected	0	0
Applications Withdrawn and/or Closed by Minute	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

<b>APPLICATIONS OUTSTANDING AS AT DECEMBER 31<sup>ST</sup></b>	<b>0</b>	<b>0</b>
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## **Capital Borrowing Of Local Authorities**

*The 2009 Municipal borrowing activity decreased by 10% in terms of the number of applications received but increased (40%) in the dollar amount borrowed. Borrowing purposes for the two years are summarized as follows:*

<b>NEW APPLICATIONS</b>	<b>2008</b>	<b>2009</b>
New Applications	95	85
Borrowing Authorized		
Water and Sewer	\$ 32,532,927	\$35,927,704
Streets, Sidewalks, Lighting	12,344,668	5,440,361
Municipal Buildings, Libraries, Community Centres, Arenas	8,267,500	42,704,679
Machinery and Equipment	1,009,725	1,328,180
Natural Gas	0	0
Land Purchases and Development	2,850,000	235,000
Other	6,620,000	3,875,000
<b>TOTAL</b>	<b>\$63,624,820</b>	<b>\$89,510,924</b>

Details of the amounts of borrowing authorized for each individual municipality are shown on pages 31 to 36 (City of Winnipeg borrowing, which is not subject to Municipal Board approval, is not included in the above figures).

The amounts of debentures issued and marketed in 2009 as compared to 2008 are summarized as follows:

<b>PURCHASER</b>	<b>2008</b>	<b>2009</b>
Credit Unions	\$ 3,393,208	\$ 7,736,462
Banks	11,067,529	18,357,492
General Public	0	0
Fiscal Agent	1,025,579	19,308,233
Municipal Reserve Funds	2,778,022	5,332,763
Minister of Finance	11,730,087	8,199,298
<b>TOTAL</b>	<b>\$29,994,425</b>	<b>\$58,934,248</b>

The interest rates payable by Municipalities on debentures issued in 2009 have decreased slightly with 2008 rates. A comparison of average interest rates, weighted according to each class of purchaser is summarized as follows:

<b>PURCHASER</b>	<b>2008</b>	<b>2009</b>
Credit Unions	5.27%	4.71%
Banks	5.29%	4.23%
General Public	N/A	N/A
Fiscal Agent	4.60%	5.25%
Municipal Reserve Funds	4.92%	4.53%
Minister of Finance	5.45%	5.49%

The Municipal Board issued a total of 215 Board Orders with respect to borrowing By-laws, a decrease from 243 in 2008. These Board Orders authorized, but were not limited to, the following:

- a) authorization of certain projects and the borrowing of monies;
- b) the issuance of debentures;
- c) the reduction or increase of the authorized borrowing; and
- d) the cancellation of authorized but unissued borrowing.

## Municipal Borrowing By-Laws Authorized In 2009

Local Authority	Board Order No.	Rate %	Term Years	Water & Sewer	Municipal Building, etc.	Natural Gas	Land Purchase & Development	Roads /Paving	Machinery & Equipment	Other Projects
Albert, RM	E-09-142	7.5	10	-	78,000	-	-	-	-	-
Altona, Town	E-09-140	7.5	10	-	-	-	-	875,000	-	-
Arborg, Town	E-09-115	7	10	300,000	-	-	-	-	-	-
Argyle, RM	E-09-106	5	12	300,000	-	-	-	-	-	-
Beausejour, Town	E-09-143	8	20	-	306,963	-	-	-	-	-
Beausejour, Town	E-09-090	8	20	-	370,000	-	-	-	-	-
Beausejour, Town	E-09-133	8	5	43,000	-	-	-	-	-	-
Beausejour, Town	E-09-135	8	10	-	100,000	-	-	-	-	-
Beausejour, Town	E-09-136	8	15	158,400	-	-	-	-	-	-
Boissevain, Town	E-09-111	8.25	20	-	700,000	-	-	-	-	-
Brandon, City	E-09-035	5.5	20	-	12,994,000	-	-	-	-	-
Brandon, City	E-09-041	5.5	20	-	11,000,000	-	-	-	-	-
Brandon, City	E-09-160	5.5	10	-	-	-	-	-	-	3,875,000
Brenda, RM	E-09-168	8	15	400,000	-	-	-	-	-	-
Brokenhead, RM	E-09-034	3	3	-	-	-	-	-	-	65,000

## Municipal Borrowing By-Laws Authorized In 2009

Local Authority	Board Order No.	Rate %	Term Years	Water & Sewer	Municipal Building, etc.	Natural Gas	Land Purchase & Development	Roads /Paving	Machinery & Equipment	Other Projects
Brokenhead, RM	E-09-116	Prime to max 5.5	3	-	-	-	-	-	385,000	-
Brokenhead, RM	E-09-121	5.375	10	-	150,000	-	-	-	-	-
Carman, Town	E-09-091	5	5	-	-	-	-	403,100	-	-
Carman, Town	E-09-098	4	5	-	-	-	-	75,000	-	-
Carman, Town	E-09-138	7.25	20	-	750,000	-	-	-	-	-
Cartier, RM	E-09-214	7	25	1,801,600	-	-	-	-	-	-
DeSalaberry, RM	E-09-102	7	15	-	-	-	-	-	160,000	-
Dufferin, RM	E-09-036	7	10	114,000	-	-	-	-	-	-
Dufferin, RM	E-09-100	5	5	-	-	-	-	-	293,180	-
Dufferin, RM	E-09-151	7.5	20	-	600,000	-	-	-	-	-
Dufferin, RM	E-09-196	7	10	136,155	-	-	-	-	-	-
Elton, RM	E-09-080	5	3	-	-	-	235,000	-	-	-
Gilbert Plains, Town	E-09-018	5	15	950,000	-	-	-	-	-	-
Gimli, RM	E-09-043	6	10	-	-	-	-	470,760	-	-
Gimli, RM	E-09-120	7	20	2,706,600	-	-	-	-	-	-

## Municipal Borrowing By-Laws Authorized In 2009

Local Authority	Board Order No.	Rate %	Term Years	Water & Sewer	Municipal Building, etc.	Natural Gas	Land Purchase & Development	Roads /Paving	Machinery & Equipment	Other Projects
Hamiota, RM	E-09-117	5	15	-	-	-	-	-	125,000	-
Hamiota, Town	E-09-118	5	15	-	-	-	-	-	125,000	-
Hanover, RM	E-09-046	8	10	-	600,000	-	-	-	-	-
Hanover, RM	E-09-124	5	20	2,500,000	-	-	-	-	-	-
Hanover, RM	E-09-125	5	20	1,585,000	-	-	-	-	-	-
Hanover, RM	E-09-152	3.5	5	-	-	-	-	57,815	-	-
Headingley, RM	E-09-101	7	20	6,000,000	-	-	-	-	-	-
Langford, RM	E-09-183	7.25	10	-	-	-	-	75,000	-	-
Lawrence, RM	E-09-178	3	10	-	231,156	-	-	-	-	-
Lorne, RM	E-09-064	6.25	5	-	62,560	-	-	-	-	-
Morris, RM	E-09-167	6.5	20	-	-	-	-	90,000	-	-
Morris, RM	E-09-179	6.5	20	-	-	-	-	195,000	-	-
Morton, RM	E-09-095	8.25	20	-	700,000	-	-	-	-	-
Notre Dame, Village	E-09-070	5	10	-	100,000	-	-	-	-	-

**Revenue for the 12 Month Period Ending  
December 31, 2009  
(Unaudited)**

<b>REVENUE</b>	<b>2008</b>	<b>2009</b>
The Municipal Act	\$ 34,516.00	\$ 43,175.90
* The Municipal Assessment Act	24,025.80	46,320.10
The Planning Act	5,926.00	750.00
Miscellaneous Acts	818.50	500.00
Distribution of Board Orders, Xerox Recoveries, etc	7,951.93	3,392.50
GST	284.27	172.65
<b>Total Revenue</b>	<b>\$ 73,522.50</b>	<b>\$ 94,311.15</b>
Less Refunds	(32,770.20)	(17,075.20)
<b>Net Revenue</b>	<b>\$ 40,752.30</b>	<b>\$ 77,235.95</b>

- \* This revenue is subject to Section 57(4) of *The Municipal Assessment Act* which requires the refund of fees to successful Appellants.



## Municipal Borrowing By-Laws Authorized In 2009

Local Authority	Board Order No.	Rate %	Term Years	Water & Sewer	Municipal Building, etc.	Natural Gas	Land Purchase & Development	Roads /Paving	Machinery & Equipment	Other Projects
Pembina, RM	E-09-020	8	15	-	-	-	-	1,500,000	-	-
Pilot Mound, Town	E-09-181	7.25	15	-	75,000	-	-	-	-	-
Plum Coulee, Town	E-09-045	5.375	3	-	-	-	-	23,466	-	-
Portage la Prairie, City	E-09-105	7	15	-	1,550,000	-	-	-	-	-
Portage la Prairie, RM	E-09-112	7	15	-	6,200,000	-	-	-	-	-
Portage la Prairie, RM	E-09-144	7	10	290,500	-	-	-	-	-	-
Portage la Prairie, RM	E-09-208	7	10	97,000	-	-	-	-	-	-
Powerview-Pine Falls, Town	E-09-164	7.2	15	-	-	-	-	329,980	-	-
Rapid City, Town	E-09-089	5	15	-	70,000	-	-	-	-	-
Rhineland, RM	E-09-154	6	10	1,000,000	-	-	-	-	-	-
Roblin, Town	E-09-193	7	20	1,823,334	-	-	-	-	-	-
Rockwood, RM	E-09-161	6.5	15	4,500,000	-	-	-	-	-	-
Roland, RM	E-09-113	6.5	10	19,100	-	-	-	-	-	-
Roland, RM	E-09-195	6.5	7	2,000	-	-	-	-	-	-

## Municipal Borrowing By-Laws Authorized In 2009

Local Authority	Board Order No.	Rate %	Term Years	Water & Sewer	Municipal Building, etc.	Natural Gas	Land Purchase & Development	Roads /Paving	Machinery & Equipment	Other Projects
Rosser, RM	E-09-069	6.0 & 4.75	10 & 5	496,000	-	-	-	-	-	-
Rosser, RM	E-09-182	6.5	15	96,000	-	-	-	-	-	-
Selkirk, City	E-09-149	7	15	432,000	-	-	-	-	-	-
Shellmouth-Boulton, RM	E-09-073	5	22	700,000	-	-	-	-	-	-
Shoal Lake, RM	E-09-139	8	10	49,000	-	-	-	-	-	-
Shoal Lake, RM	E-09-148	8	15	300,000	-	-	-	-	-	-
Shoal lake, Town	E-09-185	7	10	-	-	-	-	30,240	-	-
St Francois-Xavier, RM	E-09-040	6	20	219,000	-	-	-	-	-	-
St Lazare, Village	E-09-123	5.5	10	272,293	-	-	-	-	-	-
St Pierre-Jolys, Village	E-09-174	5.25	10	-	-	-	-	280,000	-	-
Stanley, RM	E-09-050	5.375	10	86,000	-	-	-	-	-	-
Steinbach, City	E-09-052	7	5	900,000	-	-	-	-	-	-
Steinbach, City	E-09-054	7	5	-	900,000	-	-	-	-	-
Steinbach, City	E-09-114	7	5	3,500,000	-	-	-	-	-	-

## Municipal Borrowing By-Laws Authorized In 2009

Local Authority	Board Order No.	Rate %	Term Years	Water & Sewer	Municipal Building, etc.	Natural Gas	Land Purchase & Development	Roads /Paving	Machinery & Equipment	Other Projects
Stonewall, Town	E-09-107	6	20	-	1,000,000	-	-	-	-	-
Strathcona, RM	E-09-165	6.5	20	705,512	-	-	-	-	-	-
Swan River, Town	E-09-086	5	5	1,000,000	-	-	-	-	-	-
Tache, RM	E-09-122	7.5	9	-	167,000	-	-	-	-	-
Virden, Town	E-09-022	6.25	20	1,500,000	-	-	-	-	-	-
Virden, Town	E-09-134	3.875	5	-	-	-	-	300,000	-	-
Whitehead, RM	E-09-191	5	5	75,000	-	-	-	-	-	-
Whitewater, RM	E-09-158	3.5	10	-	-	-	-	-	175,000	-
Winkler, City	E-09-092	5.5	15	-	4,000,000	-	-	-	-	-
Winkler, City	E-09-094	5.5	10	-	-	-	-	212,000	-	-
Winkler, City	E-09-097	5.5	10	-	-	-	-	523,000	-	-
Woodlands, RM	E-09-008	7.375	6	62,500	-	-	-	-	-	-
Woodlands, RM	E-09-159	6.5	20	807,710	-	-	-	-	-	-
				\$35,927,704	\$42,704,679	\$0	\$235,000	\$5,440,361	\$1,263,180	\$3,940,000